

1 Lauren Hansen (CA BAR NO. 268417)
2 Melissa A. Morris (CA BAR NO. 233393)
3 PUBLIC INTEREST LAW PROJECT
4 449 15th St., Suite 301
5 Oakland, CA 94612-06001
Tel: (510) 891-9794
Fax: (510) 891-9727
Email: lhansen@pilpca.org

6 ATTORNEYS FOR PROPOSED INTERVENORS
7 HOSPITALITY HOUSE; COALITION ON
HOMELESSNESS; AND FAITHFUL FOOLS

8 Lili V. Graham (CA BAR NO. 284264)
9 Tiffany L. Nocon (CA BAR NO. 301547)
DISABILITY RIGHTS CALIFORNIA
10 350 S Bixel Street, Ste 290
Los Angeles, CA 90017-1418
Tel: (213) 213-8000
Fax: (213) 213-8001
Email: Lili.Graham@disabilityrightsca.org

11 ATTORNEYS FOR PROPOSED INTERVENORS
12 HOSPITALITY HOUSE; COALITION ON
HOMELESSNESS; AND FAITHFUL FOOLS

13 Michael David Keys
(CA BAR NO. 133815)
Jessica Berger (CA BAR NO. 319114)
BAY AREA LEGAL AID
14 1454 43rd Avenue
San Francisco, CA 94122
Tel: (415) 982-1300
Fax: (415) 982-4243
Email: mkeys@baylegal.org

15 ATTORNEYS FOR PROPOSED
INTERVENORS COALITION ON
HOMELESSNESS

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 HASTINGS COLLEGE OF THE LAW, a public trust
19 and institution of higher education duly organized
20 under the laws and the Constitution of the State of
California; FALLON VICTORIA, an individual;
RENE DENIS, an individual; TENDERLOIN
21 MERCHANTS AND PROPERTY ASSOCIATION, a
business association; RANDY HUGHES, an
individual; and KRISTEN VILLALOBOS, an
individual,

22 Plaintiffs,

23 v.
24

25 CITY AND COUNTY OF SAN FRANCISCO, a
municipal entity,

26 Defendant.

27 Case No. 4:20-cv-3033-JST

28 DECLARATION OF SARAH
MATTHIAS DENNISON IN
SUPPORT OF PROPOSED
INTERVENORS'
SUPPLEMENTAL BRIEF IN
SUPPORT OF THE MOTION
FOR INTERVENTION

Date:

Time:

Place: Courtroom 6, Second Floor

Judge: Hon. Jon S. Tigar

Complaint Filed: May 4, 2020

Trial Date: None Set

1 I, SARAH MATTHIAS DENNISON (AKA Sam Dennison), declare:

2 1. I am the Co-Director of Faithful Fools, a non-profit organization and a Proposed
3 Intervenor in *Hastings College of the Law, et al. v. City & County of San Francisco*: Case No.:
4 4:20-cv-03033-JST. I make this Declaration in support of Proposed Intervenors' Supplemental
5 Brief.

6 2. The facts set forth below are known to me personally and are also based upon my
7 review of the Proposed Intervenors' files in this case. I have first-hand knowledge of these facts.
8 If called as a witness, I could and would testify competently, under oath, to such facts.

9 3. Faithful Fools is a live-work community organization based in the heart of the
10 Tenderloin District at 234 Hyde Street in San Francisco, California.

11 4. The Stipulated Injunction raises two primary concerns for Faithful Fools and the
12 interests of its unhoused clients: (1) it creates an environment where law enforcement will
13 enforce the agreement and essentially treat homeless individuals in the Tenderloin like criminals,
14 regardless of whether they committed crimes; (2) it lacks plans for ensuring relocated homeless
15 residents remain connected to services, and (3) it commits to a zero tent policy in the Tenderloin
16 but lacks plans for what happens to homeless individuals after the City ends hotel stays. These
17 problems will displace and traumatize Tenderloin residents and in turn, hamper Faithful Fool's
18 ability to serve them.

19 5. First, the City states it "will use enforcement measures for those who do not
20 accept an offer of shelter or safe sleeping site to prevent re-encampment." Implementation of
21 such a policy will directly and negatively impact the mental health and wellbeing of Faithful
22 Fools clients. It is unclear what form enforcement measures will take, but most forms of
23 enforcement induce trauma in an already vulnerable population. Enforcement should be reserved
24 for criminal offenses only. If applied to the removal of tents, it effectively criminalizes the
25 simple act of owning a tent for the purposes of seeking shelter in the pandemic. Faithful Fools'
26 work is grounded in supporting people experiencing homelessness navigate the extremely
27 complex process of getting into housing. We fear that "enforcement measures" will scatter and
28

1 traumatize the people we support and will thereby reduce the number of people we can
2 successfully help house.

3 6. In the last 20 years, Faithful Fools has successfully moved scores of people into
4 housing, the majority of whom have remained housed. I have personally supported a number of
5 individuals through the ever changing and highly confusing process of moving into housing from
6 the streets. There are barriers built into the process of getting housing that test even the most
7 capable individuals, and when one is compromised by any period of time living on the streets, it
8 can be extremely difficult get through it. We (Faithful Fools) work with homeless individuals by
9 first building stable trusting relationships, and then using that trust to keep a person on track
10 through to the end goal of housing. It can take years for a person who has experienced the deep
11 traumas of living on the streets to develop trust in an organization or agency. Unhoused
12 individuals who lack trustworthy relationships often look like they are resisting services when in
13 fact they are trying to ward off perceived threats. A person who comes to the streets from a
14 violent home or has experienced violence on the streets (which is almost everyone) may see
15 potential threats in any person of authority, including the police. Our role is to create trust and
16 consequently a path to housing.

17 7. I have worked with minor children who have struggled to return to school after
18 one night on the streets with their family. They manifested trauma in behaviors that look self-
19 destructive (truancy, belligerence, drug use) but in fact were attempts to regain control over their
20 lives. I have also worked with adults who appear unable or unwilling to comply with court
21 ordered drug treatment or stay away orders. A 55 year-old unhoused African-American woman
22 with whom I regularly work is frequently arrested for warrants and petty drug crimes. She is
23 functionally illiterate and likely developmentally disabled. In one court ordered program, she
24 began remedial reading and managed to read several simple words on her own which prompted
25 dreams of getting off the streets. Her growing hope for a better future was ended when police
26 began regularly and repeatedly arresting her in attempts to force her into compliance. Each stint
27 in jail produced more trauma and eroded the little trust that she had in us or anyone else. We
28 have tried to get her into diversion programs, but because she has pending charges she can't

1 enter one. She was in jail when her husband overdosed and died. She was informed of his death
2 in an off-hand manor by a sheriff deputy just before a shift change with no detail or offer of
3 support. The chances of getting her into housing and out of drug trafficking are very small now
4 and her own dreams of a better future are gone. For her and countless others, police involvement
5 with clearing streets of tents is highly stressful and counterproductive. These are not isolated
6 cases. We strongly believe that if we are to succeed in getting people off the streets, into hotels
7 or housing, we must keep police involvement to an absolute minimum.

8 8. This client's experience, and there are countless others like it, are one of the main
9 reasons Faithful Fools believes the Stipulated Injunction in its current form is problematic. The
10 current agreement is committed to increasing criminal enforcement against an already vulnerable
11 and traumatized population. This approach will undermine many of the agreement's intended
12 goals.

13 9. Second, the Stipulated Injunction as it is currently written does not contain any
14 plans for how to make sure relocated individuals will have access to necessary mental health
15 treatment and other essential services. For people who have had housing their whole lives, it
16 could be easy to overlook what it is like for children to sleep on the streets their entire lives and
17 then have to adjust to living indoors. When given access to treatment and services, people
18 readjust to relocation. But when deprived of treatment and services, people take twice as much
19 time to readjust, lose trust, and lack control. The Stipulated Injunction lacks any plans for
20 addressing the mental health needs and trauma of abruptly transforming people's living
21 environment. Faithful Fools cannot support the Tenderloin's residents if their abrupt forced
22 relocation leaves them unable to trust help offered or take control of their environment. We
23 understand that we are in a pandemic and that the shelter contemplated in the agreement is also
24 not long-term housing, but temporary of an unknown duration. The sleeping sites are also not
25 adequate long-term shelter. The agreement as it stands now aims to relocate a large number of
26 unhoused residents, without connecting them to services, for a temporary duration where they
27 will be forced to then relocate again. The plan needs to contain language that ensures people are
28

1 connected to the mental health services they will need during these temporary relocation
2 processes.

3 10. Third, the Stipulated Injunction, as it's currently written, focuses on a goal of zero
4 tents after July 20, 2020, and is focused on removing tents and unhoused residents' personal
5 belongings in the Tenderloin down to zero without identifying long-term options for people.
6 Faithful Fools understand that some of these placements are temporary given the urgent needs of
7 unhoused people in the Tenderloin. However, the agreement as it stands now assumes that
8 reducing tents and reducing the presence of homeless individuals achieves the same goal. It
9 conflates the presence of tents with the presence of people who are unhoused—the two are not
10 identical. Many people are currently sleeping in the Tenderloin without tents, which is no
11 different than before the pandemic. The number of tents has increased because the City stopped
12 enforcing tent removal ordinances and non-profits provided tents to people discharged from
13 hospitals, jail, and shelters. The goal of zero tents does not require the City to provide housing to
14 every homeless individual and as a result, by focusing on the removal of tents, it will leave many
15 unhoused people without minimal shelter. To be clear, just because tents are gone does not mean
16 that there are fewer homeless people, only that they are sleeping on cement. We believe that the
17 most appropriate metric of success is not a tent count, but rather reductions in the number of
18 unhoused people, either through placement in hotels or housing, on the streets (and not the
19 number of tents). We are seeking to intervene in this case so harm is not created by reliance on
20 an inappropriate metric. We feel we must point out that the stated goal of using reasonable
21 efforts to achieve zero tents, without provisions describing where people are to go in a longer-
22 term way, is more of a distraction and seems focused on just displacing people from the
23 Tenderloin.

24 11. Faithful Fools believes it has important insights into how the proposed Stipulated
25 Injunction can be improved. In its current form, the Stipulated Injunction unravels years of
26 progress made in the Tenderloin community and provides an over-simplified attempt to remove
27 the appearance of homelessness by creating quotas of how many tents are permitted in a specific
28 area.

1 12. We have invested years of relationship building, community development, and
 2 policy development in the hopes of improving conditions on the streets—getting people housed,
 3 calming chaotic behaviors, and decreasing congestion on problematic corners. We see a need to
 4 create conditions where sidewalks are welcoming to everyone—from children to elders, the able-
 5 bodied youth walking home from school to wheelchair users on their way to work—but we also
 6 know that we are home to thousands of homeless residents and they too should be welcome,
 7 without sufficient safe and adequate shelter available, they have nowhere else to go. Yet the
 8 Stipulated Injunction as it is currently written is yet another example of all this work being
 9 undone by a well-intentioned effort that is grounded in the needs of only a segment of the
 10 community.

11 13. We, Faithful Fools and unhoused Tenderloin residents, need to have a say in this
 12 case's resolution, so that we can make a difference in the crisis that we are currently in. Without
 13 our participation, the proposed settlement is unlikely to succeed and worse yet is likely to cause
 14 harm that will be long-lasting. Unhoused people will still be in the neighborhood but with
 15 worsening conditions, because their tents will be gone, they may be displaced from services, or
 16 threatened with criminal sanctions. This will create more chaos, not less. Our housed neighbors
 17 will continue to suffer with congestion without hope of an effective response. The Stipulated
 18 Injunction's reliance on law enforcement and the temporary removal of tents, with no plans for
 19 connecting people to services, may leave us in worse shape than before the pandemic began. We
 20 believe that if we are at the table with plaintiffs, a workable plan can emerge—one that will
 21 satisfy the needs of the many communities of the Tenderloin.

22

23 I declare under penalty of perjury under the laws of the United States of America that the
 24 foregoing is true and correct to the best of my knowledge. Executed on June 18, 2020 in San
 25 Francisco, California.



SARAH MATTHIAS DENNISON

26

27

28